

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the amendments set forth above and the remarks below.

Claims 1-15 and 17-22 are pending in the application. Claims 1-15 and 17-22 are rejected.

The Prior Art Rejections:

The Examiner rejects Claims 1-15 and 17-22 under 35 U.S.C. 102 (e) as being anticipated over Davis et al. (U.S. Pat. No. 6,594,677).

Applicant encloses herewith a further Declaration by the inventors under Rule 1.131 establishing actual reduction to practice of the claimed subject matter prior to the filing date of the cited Davis patent.

U.S. Patent No. 6,594,677 to Davis (hereinafter Davis) was filed on December 22, 2000 and received Application No. 09/747,457.

As evidenced in the enclosed Rule 1.131 Declaration, there was actual reduction to practice of the claimed invention prior to December 22, 2000, i.e., the Davis filing date. Exhibits A and B have a copyright date of March 2000. Exhibit A is a Software Reference manual for the March 2000 software release discussing the claimed functionality and Reference B is a Software Release notes document, as discussed in the Declaration. Particular pages in Exhibits A and B corresponding to the claimed subject matter are identified in the Declaration. Exhibit C comprises a series of screen shots showing the claimed subject matter. Exhibit D is a series of well-commented code blocks mapped to the claimed subject down to the routine level in a manner to enable one having a basic understanding of computer programming to readily understand and follow operation of the code to demonstrate the claimed invention.

Applicant notes that the EDM release 4.5.0 in March of 2000 was provided to EMC customers and clearly existed in tangible form. In accordance with the enclosed Declaration of Christopher Wroten, Release 4.5.0 was loaded on a machine from which the Exhibit C screen shots were captured. Christopher Wroten worked at the direction of inventor Glenn Sachar to load Release 4.5.0 on an EMC machine. Inventor Glenn Sachar captured the screen shots in Exhibit C.

Accordingly, Applicant respectfully submits that the present application is condition for allowance and requests a notice of allowance for pending claims 1-15 and 17-21.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Response or this application.

Applicant does not acquiesce to any assertion made by the Examiner not specifically addressed herein.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Respectfully submitted,

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